IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

Crl.MC.No. 2153 of 2007()

CC.2125/2004 of JUDL.MAGISTRATE OF FIRST CLASS-I, KOLLAM

.....

(CRIME NO.24/2004 OF ANCHALUMOODU POLICE STATION)

PETITIONER:

SALIM,
S/O.KOYAKUNJU,
SANA MANZIL, THEVALLY P.O.,
KOLLAM.

BY ADV. SRI.T.GOPALAKRISHNAN

RESPONDENT:

STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
ANCHALAMOODU.

BY PUBLIC PROSECUTOR ADV.SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

= = = = = = = = = = = = = =

Crl.M.C. No.2153 Of 2007

= = = = = = = = = = = = = =

Dated this the 4th day of July, 2007

ORDER

Petitioner faces allegations inter alia under Sec.324 IPC. Cognizance has been taken. Consequent to non appearance of the petitioner, a non bailable warrant was issued by the learned Magistrate against the petitioner.

2. According to the petitioner, he is innocent. He has not received any notice. He is working abroad. He is now willing to surrender before the learned Magistrate and seek regular bail. But the petitioner apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. He therefore prays that a direction may be issued under Section 482 Cr.P.C to the learned Magistrate to release him on bail when he appears and applies for bail.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. The learned Magistrate must consider such application for bail on merits, in accordance with law and expeditiously. I have no reason to assume that the learned Magistrate would not consider such

application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for regular bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously-on the date of surrender itself.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE